

REMARKS

Administrative Overview

Applicants herein cancel claims 23 and 26, amend claims 22, 24, 25, 27, and 28, and add claims 33-84. Each of the new claims is fully supported by the specification in at least paragraphs [0034], [0035], [0037], [0040], [0045] – [0052], [0056], and [0058]-[0060]. As such, no new matter is presented. Upon entry of this amendment and response, claims 22, 24, 25, 27, 28, and 33-84, of which claims 22, 47, and 66 are independent, are presented for examination.

In the Final Office action, claims 22 and 24 were rejected under 35 U.S.C. § 102(e) as being anticipated by Harper *et al.* (“Harper”). Also, claims 23 and 25-28 were rejected under 35 U.S.C. § 103(a) as being obvious over Harper in view of Bliley *et al.*

Rejection of Claims Under 35 U.S.C. §102

Claims 22 and 24 were rejected under 35 U.S.C. § 102(e) as being anticipated by Harper *et al.* Applicants respectfully traverse this rejection to the extent it is maintained against the claims as amended.

Claim 22 as amended and new claims 47 and 66 recite, in part, comparing datasets by an agent of a first computer system to determine whether the differences indicate the occurrence of an exceptional event, and when an exceptional event has occurred, initiating an exception handling routine that includes establishing peer-to-peer communications with an agent executing on a second computer, querying the second agent to determine if a substantially similar exceptional event occurred at the second computer, and receiving a response from the agent of the second computer. Harper fails to disclose, teach, or suggest such a feature.

Harper is generally directed to a predicting outages of a software system. To put it simply, in Harper the rejuvenation agent waits for one or more symptoms to occur on the computing system and selects an appropriate rejuvenation time if indicated by the user. *See Col. 7, lines 17-22*. More specifically, at Column 4, lines 12-18, Harper recites:

The present invention uses existing resource monitoring mechanisms provided by an operating system to non-intrusively monitor system resources such as file space, handles, threads, free virtual memory, and system memory. Several techniques, as described below, can then be used to aggregate these indicators into a reliable predictor of impending outage.

Further in column 7, lines 26-61 Harper states:

Additional outages cause this learning process to be repeated, with a resulting improvement in the accuracy of identifying causal pre-outage conditions. For example, if a certain parameter is at one value just prior to one outage of a given class, and a radically different value just prior to a second outage of that same class, then it can be concluded that it is unlikely that either value of this particular parameter is associated with the class of outages being experienced, and the parameter can therefore be removed from the list of reliable predictors.

Applicants amended claim 22 and new claims 47 and 66 claim something different from the teachings of Harper. That is, comparing datasets by an agent of a first computer system to determine whether the differences indicate the occurrence of an exceptional event, and when an exceptional event has occurred, initiating an exception handling routine that includes establishing peer-to-peer communications with an agent executing on a second computer, querying the second agent to determine if a substantially similar exceptional event occurred at the second computer, and receiving a response from the agent of the second computer. In Harper, the computer system of Harper does not use peer-to-peer communication to determine whether another computer (e.g., pc, laptop, personal digital assistant, server and other computing devices) experienced a substantially similar exceptional event. That is not surprising given that Harper uses existing resource monitoring mechanisms provided by an operating system to non-intrusively monitor system resources.

As shown above, Harper fails to disclose, teach, or suggest each and every element of the independent claims 22, 47, and 66. Therefore, Harper fails as an anticipatory reference. Further, claims 24, 25, 27, 28, 33-46, 48-65, and 67-84 depend directly or indirectly from an allowable base claim and recite further limitations thereon. As such, Applicants respectfully request that the rejection under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Rejection of Claims Under 35 U.S.C. §103

Claims 23 and 25-28 were rejected under 35 U.S.C. § 103(a) as being obvious over Harper in view of Bliley et al. Applicants respectfully traverse this rejection to the extent it is maintained against the claims as amended.

To establish a prima facie case of obviousness with respect to a claim, it is necessary that the prior art references, either alone or in combination, teach or suggest each and every limitation of the rejected claims. The Applicants respectfully submit that Bliley fails to cure the deficiencies of Harper.

Applicants' comments above with respect to Harper are reiterated herein with full force and effect.

Bliley is generally directed to a process for analyzing a fault log from a machine and comparing the fault logs. *See Col. 2, lines 45-58*. In contrast to comparing fault logs, Applicants independent claims 22, 47, and 66 recite, in part, comparing datasets by an agent of a first computer system to determine whether the differences indicate the occurrence of an exceptional event, and when an exceptional event has occurred, initiating an exception handling routine that includes establishing peer-to-peer communications with an agent executing on a second computer, querying the second agent to determine if a substantially similar exceptional event occurred at the second computer, and receiving a response from the agent of the second computer.. This is clearly different from determining whether the differences between the logs indicate that an exceptional event happened.

In light of the above remarks, Applicants submit that any hypothetical combination of Harper and Bliley fails to disclose, teach or suggest each and every element of the invention as claimed by the Applicants. As such, the Applicants respectfully request that the rejections under 35 U.S.C. § 103 be reconsidered and withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,
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